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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,151	01/23/2002	Ali Abdolsalehi	270/216	2496

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EXAMINER

SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/057,151		ABDOLSALEHI, ALI	
	Examiner		Art Unit	
	Philip S. Scuderi		2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to applicant's amendment filed on 16 March 2006.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, step d recites the limitation "the source location". However, source locations are introduced in both steps a and c. Therefore, it is unclear which source location the limitation is referring to.

Claim 1, step d recites the limitation "wherein the source audio signal is transmitted from the recipient location to the source location". It is unclear how the specification supports the source audio signal being transmitted from the recipient to the source. Based on the examiner's best understanding of the specification, the limitation should presumably read "wherein the recipient audio signal is transmitted from the recipient location to the source location".

Claim 7 recites the limitation "the cumulative bandwidth error". There is insufficient antecedent basis for this limitation in the claim. Additionally, it is unclear what a cumulative bandwidth error is. The examiner speculates that a cumulative bandwidth error refers some error generated when not enough bandwidth is available for some purpose over a period of time. However, it is unclear how such an error itself can be adjusted.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection made in view of a different interpretation of a previously applied reference.

Upon further consideration the claims are broader than the examiner previously realized and For example, claim 1 reads on any two-way audio/video communication over a network. As such, U.S. Patent No. 6,789,120 to Lee et al. ("Lee") teaches every element of at least claim 1.

The audio and video signals are not necessarily different signals and both read on the "VoIP/H.323 protocols ... [that] make audio/video communication ... with the receiver" (Lee, column 4, lines 44-59). Additionally, the "one-way dedicated transmission channel", the "two-way signal", and the "recipient audio signal" all read on the same signals referred to above.

Regarding the "one-way dedicated transmission channel", almost any transmission channel can be considered such a channel. A "one-way" channel is broader than a "two-way" channel because any channel that supports two-way communication inherently supports one-way communication. The word "dedicated" as used in the claims carries very little patentable weight because any channel carrying a signal can be considered "dedicated" to carrying the signal.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,789,120 to Lee et al. ("Lee").

Regarding claim 1, Lee teaches a method comprising:

creating at a source location a source digital video signal corresponding to a viewed scene (column 4, lines 44-59, "the web browser of the sending terminal ... initiates VoIP/H.323 protocols ... to make audio/video communication ... with the receiver");

broadcast transmitting the source digital video signal at substantially the same time the source digital video signal is transmitted through a one-way dedicated transmission channel to at least one recipient via an internet connection (column 4, lines 44-59);

transmitting a source digital audio signal created at a source location and corresponding to the source digital video signal to the at least one recipient over an Internet connection via a VoIP protocol, wherein the source digital audio signal is a two-way signal (column 4, lines 44-59); and

transmitting a recipient audio signal created at a recipient location and responsive to the source audio signal or the source video signal, wherein the recipient audio signal is transmitted from the recipient location to the source location via an Internet connection (column 4, lines 44-59).

Regarding claim 2, steps a-d are rejected for substantially the same reasons as claim 1. The sending terminal (column 4, lines 44-59) must inherently have a "digital video server", a "digital audio encoding device", and a "VoIP audio server" as claimed. These features read on whatever hardware or software performs the steps of claim 1. Regarding the remainder of the claim, Lee further teaches:

an Internet web page accessible by the remote recipient and configured to display the transmitted source digital video signal and to play the source digital audio signal (column 4, lines 44-59, “the web browser of the sending terminal ... initiates VoIP/H.323 protocols ... using the receiver’s IP address contained in an HTML formatted web page”); and

the internet web page further configured to receive a recipient digital audio signal from the recipient responsive to the source digital audio signal and to transmit the recipient digital audio signal to the VoIP audio server at the source location, the VoIP audio server further configured to receive and play the recipient digital audio signal (column 4, lines 44-59).

Regarding claim 3, Lee further teaches that the source digital video signal is activated when one recipient accesses an IP address corresponding to the source digital video signal (column 4, lines 44-59, “the web browser of the sending terminal ... initiates VoIP/H.323 protocols ... using the receiver’s IP address contained in an HTML formatted web page”).

Regarding claim 4, the source location of the video and audio signals read on the location of a video camera and a microphone respectively, which are inherent.

Regarding claim 5, the inherent video camera and microphone are parts of the sending terminal, which is connected to the Internet, and therefore has an assigned IP address (figure 1B).

Regarding claim 6, Lee teaches that the source digital video signal is embedded in an Internet source page created by the server with the source digital video signal (column 4, lines 44-59).

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Regarding claim 7, the claim is rejected for substantially the same reasons as claim 1.

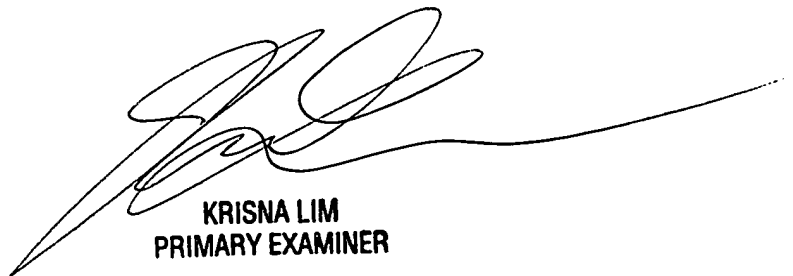
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PS



KRISNA LIM
PRIMARY EXAMINER